

REMARKS

This is in response to the Office Action mailed on July 30, 2007. Claims 1-48 were pending in the application, and the Examiner rejected all claims. With the present response, claims 1-4, 12, 14-16, 35-36, 38-39, and 41-43 are amended, claims 11, 13, 23-34, and 40 are cancelled, claim 49 is new, and the remaining claims are unchanged. Reconsideration and allowance of all pending claims are respectfully solicited in light of the following comments.

Claim Rejections - 35 U.S.C. § 103

On page 4 of the Office Action, the Examiner rejected claims 1-48 under 35 U.S.C 103(a) as being unpatentable over Gould et al. U.S. Pat. No. 6,920,561 (hereinafter "Gould") in view of Michener et al. U.S. Pat. No. 7,028,191 (hereinafter "Michener"). Applicant respectfully contends that the independent claims 1, 35, and 49 are patentable over the cited references considered individually or in combination.

Claim 1:

Independent claim 1 has been amended to include the limitations similar to those previously presented in dependent claims 2 and 13. Claim 1 includes generating a session number and storing it in the session packet. Claim 1 also includes making a data integrity determination based on a comparison of a session number received with or as part of the biometric information packet to a record of the session number stored in the session packet. Applicant respectfully contends that at least as amended, claim 1 is patentable over the cited references considered individually or in combination.

On page 6 of the Office Action, the Examiner states that Michener (column 9: lines 5-40; Session-Random Number; Figure 1: 16; 50) discloses the former claim 2 limitation, and on page 9 of the Office Action, the Examiner states that Michener (column 9: lines 5-35) discloses the former claim 13 limitation. Applicant respectfully contends that Michener does not disclose the noted limitations.

As mentioned in Applicant's previous amendment, Applicant does not believe that the cited sections disclose a session number. The cited sections of Michener only disclose the "TAD" and re-keying mathematical operations performed by the "TAD." Furthermore, even if the cited sections did disclose a session number, the cited sections, as well as the rest of Michener, clearly do not disclose a process of generating a session packet that includes storing a session number in a session packet. Michener clearly also does not disclose a process of making a data integrity determination that comprises comparing a received session number with a stored records of a session number as claimed.

For at least the reasons listed above, Applicant respectfully contends that claim 1 is patentable, and respectfully submits claim 1 for consideration and allowance.

Claim 2:

Claim 2 has been amended to required that the steps associated with the method of claim 1 be conducted in a particular order. This limitation is supported by the application as originally filed. Embodiments disclosing this order are shown in FIGS. 4, 5, and 7.

On pages 2-4 of the Office Action, the Examiner describes the steps disclosed by Gould that the Examiner believes disclose the claim 1 method steps. Applicant of

course contends that Gould does not disclose these steps. However, even if Gould did disclose the steps, the order of the Gould steps and the order recited in claim 2 are different. Furthermore, it would not be obvious to modify the ordering of the Gould steps because Gould teaches, such as in FIG. 4, that data must be first sent from the client computer to the server before data can be sent from the server to the client.

For at least the reasons listed above, Applicant respectfully contends that claim 2 is patentable, and respectfully submits claim 2 for consideration and allowance.

Claim 35:

Claim 35 has been amended to include the limitations previously presented in its dependent claims 38 and 40. The former claim 38 limitation, now claim 35 limitation, is wherein generating a session packet comprises obtaining a session key and storing it in the session packet. The former claim 40 limitation, now claim 35 limitation, is wherein decrypting the biometric information packet comprises decrypting it with an encryption key that is complementarily related to the session key. Applicant respectfully contends that at least as amended, claim 35 is patentable over the cited references considered individually or in combination.

Claim 35 recites that generating a session packet includes storing a session key in the packet, that the session packet (containing the session key) is encrypted, that the encrypted session packet (containing the session key) is sent to a biometric device, and that the encryption key that is used to decrypt the biometric information packet is complementarily related to the session key. It is very much worth noting that each reference to session key in the claim is referring to the same session key.

On page 17 of the Office Action, the Examiner states that Michener (column 7: lines 10-30; column 9: lines 1-30) discloses the former claim 38 limitation, and on pages 17-18 of the Office Action, the Examiner states that Michener (figure 10: 1004, 1008, 1010; column 13: 54-65; column 15: lines 5-10, lines 16-23) discloses the former claim 40 limitation.

The cited sections of Michener disclose processes that use a great number of keys. The processes use keys to generate multiple new keys and each step uses different keys. Applicant of course does not think Michener discloses the claim 35 steps, however, even if it did, Michener clearly does not disclose using one key throughout the steps. Michener teaches away from claim 35 in that Michener teaches that multiple different new keys are needed at each step.

For at least the reasons listed above, Applicant respectfully contends that claim 35 is patentable, and respectfully submits claim 35 for consideration and allowance.

Claim 38:

Claim 38 has been amended to recite an order of the steps of claim 35. Applicant respectfully contends that Claim 38 is patentable at least for the same reasons similar to those described above in relation to claim 2. Applicant respectfully submits claim 38 for consideration and allowance.

Claim 49:

Claim 49 is a new claim. Claim 49 is essentially the original claim 1 amended to include the limitations in its original dependent claims 10 and 14. Applicant respectfully contends that claim 49 is patentable at least because the original claim 10 and 14 limitations are not obvious or anticipated in light of any of the cited references considered individually or in combination.

On page 8 of the Office Action, the Examiner states that Michener FIG. 13 discloses the original claim 10 limitation of a method, wherein generating a session packet comprises generating a session time stamp and storing it in the session packet. Michener FIG. 13 does not disclose anything at all related to time. Michener FIG. 13 is a diagram of a multi-layer, multi-step key generating extravaganza used in Michener such that no one key is used at more than one step. Furthermore, even if FIG. 13 did disclose anything related to time, it clearly does not disclose storing it in a session packet such as is recited in the original claim 10 and now recited in claim 49.

On page 9 of the Office Action, the Examiner states that Michener column 2, lines 55-60, and FIG. 17, disclose the original claim 14 limitation of a method, wherein making a determination comprises evaluating a session time stamp to determine whether the biometric information packet was received within a predetermined time period. Michener column 2, lines 55-60, states:

"There exists a need for a device to provide personal protection of electronic data that is small, easy to use, provides excellent protection to the PC/laptop user, and that can operate in conjunction with corresponding devices at a central

data gathering point to provide near real time validation of the information."

Despite the cited section including the word time, Applicant fails to see how the cited section above is at all relevant to a method, wherein making a determination comprises evaluating a session time stamp to determine whether the biometric information packet was received within a predetermined time period. Applicant similarly does not see how FIG. 17 could possibly disclose the limitation. The most relevant section, as far as the Applicant can tell, is below.

<p>Communicate Time Stamped Version of the Request To Record Logging Device (Time, Length, Data Block)</p>

Again, despite this block including the word time, Applicant fails to see how the cited section above is at all relevant to a method, wherein making a determination comprises evaluating a session time stamp to determine whether the biometric information packet was received within a predetermined time period.

For at least the reasons listed above, Applicant respectfully contends that claim 49 is patentable, and respectfully submits claim 49 for consideration and allowance.

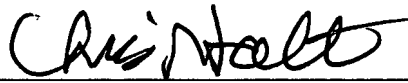
Conclusion

It is respectfully submitted that independent claims 1, 35, and 49 are patentably distinguishable from the Gould and Michener references, considered independently or in combination. It is also respectfully submitted that the dependent claims 2-10, 12, 14-22, 36-38, 39, and 41-48 are

patentable at least based on their dependence on patentable independent claims. Accordingly, reconsideration and allowance of all pending claims are respectfully solicited. The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

WESTMAN, CHAMPLIN & KELLY, P.A.

By: 
Christopher L. Holt, Reg. No. 45,844
900 Second Avenue South, Suite 1400
Minneapolis, Minnesota 55402-3319
Phone: (612) 334-3222 Fax: (612) 334-3312

CLH:rkp